United Nations S/PV.4130 (Resumption 1)

Security Council

Fifty-fifth Year

Provisional

4130th Meeting

Wednesday, 19 April 2000, 3 p.m.
New York

President:	Mr. Axworthy	(Canada)
Members:	Argentina	Mr. Listre
	Bangladesh	Mr. Chowdhury
	China	Mr. Wang Yingfan
	France	Mr. Levitte
	Jamaica	Miss Durrant
	Malaysia	Mr. Hasmy
	Mali	Mr. Keita
	Namibia	Mr. Andjaba
	Netherlands	Mr. Scheffers
	Russian Federation	Mr. Lavrov
	Tunisia	Mr. Ben Mustapha
	Ukraine	Mr. Yel'chenko
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Ms. Soderberg

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/1999/957)

00-39810 (E)

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The meeting was resumed at 3.20 p.m.

The President: The next speaker inscribed on my list is the representative of Portugal. I invite him to take a seat at the Council table and to make his statement.

Mr. Monteiro (Portugal): I again have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus and Malta, as well as the European Free Trade Association countries members of the European Economic Area, Iceland, Liechtenstein and Norway, align themselves with this statement.

This debate is another important milestone in the discussions also initiated under the Canadian presidency of the Security Council in February 1999 on the protection of civilians in armed conflict. The European Union would like very much to thank you, Mr. Minister, as well as the Canadian delegation and Ambassador Fowler, for organizing this debate today and for having chaired the informal working group established pursuant to resolution 1265 (1999).

We hope that a concrete framework of action will emerge from this debate and that, based on the recommendations and proposals contained in the rightly commended report of the Secretary-General on this subject, that framework will establish clearer guidelines for the response by the United Nations system to the growing need to protect civilians in armed conflict. The European Union sees the work currently being undertaken on the protection of civilians in armed conflict as an ongoing process and looks forward to the next report by the Secretary-General on this subject.

In recent times, conflicts have most often been of an intra-State nature. In his report to the Millennium Assembly, the Secretary General wrote that such conflicts "have violated, not so much borders, as people" *(A/54/2000, para. 193)* living within those borders. We are increasingly confronted with the need to protect individuals and communities against armed conflict in their immediate neighbourhoods.

Safe and unimpeded access to those in need of assistance is an obligation under international humanitarian law and one which national authorities are legally bound to ensure. This obligation also extends to all other parties to a conflict. We know, however, that in many instances this legal obligation is deliberately flouted. The European Union believes the Council should make clear in its relevant resolutions that civilian populations must have unimpeded access to humanitarian assistance and that there should be full cooperation with the United Nations in providing such access. The safety and security of those entrusted with the delivery of assistance and supplies must also be ensured.

While men account for the largest number of combatants, women and children are disproportionately represented among civilians affected by conflict. Women also constitute the majority of refugees and internally displaced persons. The specific needs of women, children, the elderly and the disabled should be taken into account in camps for refugees and internally displaced persons, in the mandates of peacekeeping and peace-building operations and, whenever possible, during the negotiation of peace agreements. The situation of children in armed conflict is an area of particular concern.

The humanitarian character of camps and settlements for refugees and internally displaced persons should be strictly enforced, and the deployment of international military observers or other personnel should be envisioned when it has become evident that these camps are being used to achieve military purposes.

The dire situation of some 25 million persons who have been forced to leave their homes due to the outbreak of conflict is receiving increased attention on the part of the international community. The Secretary-General recommends in his report on the protection of civilians in armed conflict that the States concerned follow the legal guidance afforded by the Guiding Principles on Internal Displacement. We most definitely support that recommendation. The European Union would also like to encourage the Council to contribute to an increased awareness among Member States of the importance of the Guiding Principles on Internal Displacement and to examine what possible role it could play with regard to the protection of internally displaced persons and in the dissemination of those Principles.

We also welcome the decision adopted by the Inter-Agency Standing Committee earlier this month to the effect that the Emergency Relief Coordinator, acting in his own capacity or on suggestions from the humanitarian or resident coordinators, should bring to the attention of the Security Council issues concerning

internally displaced persons whenever that is deemed appropriate.

The legal protection of civilians in armed conflict can also be enhanced. The European Union fully supports the call of the Secretary-General for the ratification of the major instruments of international humanitarian law, human rights law and refugee law, for the withdrawal of those reservations which weaken the protection of civilians, and for the taking of all appropriate legislative, judicial and administrative measures to implement those instruments.

The Security Council could play an active role in convincing Member States that have not yet done so to ratify the 1994 Convention on the Safety of United Nations and Associated Personnel. Serious consideration should be given to expanding the scope of the Convention to include locally recruited personnel, who are essential to the functioning of peacekeeping and humanitarian missions.

Furthermore, the activities of the two existing ad hoc Tribunals should be fully supported by all Member States, especially with regard to complying with their orders and requests for the arrest and surrender of accused persons. In this context, the International Criminal Court will be crucial. The European Union urges those who have not yet signed the Rome International Criminal Court Statute to do so and all States to proceed to ratification as soon as possible. Our common persistent efforts to combat impunity for war crimes is also an important contribution to the prevention of renewed armed conflict.

The first step to be taken in the protection of civilians is, of course, to prevent conflicts. The link between the prevention of armed conflicts, the facilitation of the peaceful settlement of disputes and the protection of civilians during armed conflict, in particular the protection of human life, has been well established by this organ, most recently in its presidential statement of 30 November 1999. The European Union stresses the importance of a comprehensive approach to conflict prevention extending from early warning to post-conflict peace-building. This, in turn, requires the promotion of a culture of prevention within the international community. It also entails paying attention to an expanded view on security.

However, it should be reiterated that conflict prevention is based on respect for the Charter of the United Nations and other provisions of international law, including human rights. When this fails, the international community has an obligation to act. It has at its disposal a plethora of measures that, if used judiciously and in a timely manner, can be powerful tools in the prevention of full-fledged conflicts.

The European Union would like to encourage the Secretary-General to resort more often to the prerogative conferred on him by Article 99 of the Charter. Both the Secretary-General and Member States should be invited to bring to the attention of the Council any matter which, in their opinion, may threaten peace and security. The establishment in the Council secretariat of an early-warning mechanism for coordination and systematic dissemination of reliable early-warning information, including human rights information, could be one way to support and facilitate the work of the Secretary-General.

The early deployment of preventive missions should also be considered whenever possible. Because conflict situations evolve quickly, the United Nations must be ready to plan and deploy its operations accordingly. They must be placed on the ground as soon as possible, with sufficient resources to achieve the mandates entrusted to them by the Security Council.

At that early stage a number of measures could be envisioned, ranging from the use of fact-finding missions, special envoys and monitors to preventive diplomacy and a more consistent use of information and analysis made available by independent treaty body experts and mechanisms of the United Nations Commission on Human Rights in order to determine potential conflicts and to act preventively. Improvement of the capacity of the Secretariat in terms of expertise and resources could also be contemplated upon the identification by the Secretary-General of any additional requirements needed to fulfil his capabilities.

The European Union supports proposals to expand the scope of the United Nations standby arrangements system, including by increasing the number of civilian police and specialized civil administration and humanitarian personnel. We also support the proposal that peacekeepers and humanitarian personnel be trained in human rights and international humanitarian law, including child- and gender-related provisions.

With regard to disarmament, demobilization and reintegration (DDR) programmes, these can be essential to a peace process and should be included early in the relevant peace agreements and mandated by the Security Council with sufficient resources. A successful DDR programme can break the cycle of violence.

There are about 500 million small arms and light weapons in circulation and considered responsible for roughly 90 per cent of all deaths in contemporary conflicts. Their easy availability has aggravated too many conflicts, whose ruthlessness is hardly understandable at the dawn of the twenty-first century. Stopping the illegal traffic of these weapons must be a priority for the international community. A greater use of embargoes is one of the tools at the disposal of the Council and one it should use more often, but embargoes per se can be of little value if they are not respected and enforced by all States, not least by the neighbouring countries.

As the Secretary-General recommends, the Security Council can also use targeted sanctions to deter and contain those who commit grave violations of international humanitarian law or human rights, including those parties to a conflict which do not refrain from attacking civilians. In this context, it is very much linked to the other debates we had under your presidency, Sir.

The European Union had the occasion to further elaborate on the subject of sanctions in a statement delivered before this Council on 17 April, and again on 18 April on the occasion of the consideration of sanctions against UNITA.

The Secretary-General has identified, in his report on the protection of civilians in armed conflict, a comprehensive set of preventive measures that, if followed through, could have a positive impact on enhancing the security of civilians in conflicts. General pronouncements alone will not change much, even if they do, importantly, raise awareness of the plight of civilians in conflicts.

As the Secretary-General has himself stated:

> "We know what needs to be done. What is now needed is the foresight and the political will to do it".

The President: The next speaker on my list is the representative of Israel. I invite him to take a seat at the Council table and to make his statement.

Mr. Lancry (Israel): I wish to emphasize our appreciation for your leadership in this discussion and to commend the several discussions that preceded it over this past year. In the months since the Secretary-General presented us with his report, we have seen special attention given to the protection of civilians in places like Sierra Leone, Angola and others. This gave birth both to short-term and long-term measures. More importantly, it added to a renewed focus on the plight of civilians targeted in armed conflict.

As the report of the Secretary-General pointed out, physical protection must precede legal protection. It is the more immediate need. We have seen efforts to begin integrating ex-military forces into civil society. We have seen attempts to place United Nations peacekeepers in areas where civilians are vulnerable. We have seen plans to increase civilian police, which would be a welcome development across the globe.

Still, all of these practical steps begin with a legal one: identifying the deliberate targeting of civilians as a distinct crime. As we recall, resolution 1265 (1999) strongly condemns the deliberate targeting of civilians. We should also recall that the Secretary-General's report in September specifically used the word "terror" to describe such actions and noted that:

> "The violence is frequently perpetrated by non-state actors ... and privately financed militia." (*S/1999/957, para. 8*)

These affirmations serve to identify and help criminalize the tactic of wilfully targeting civilians. They also reaffirm that any violations by States or militias are worthy of the attention of the Security Council. Moreover, by criminalizing the tactic itself, we prevent actors from hiding behind their political or military purposes. The international community has finally established that no end justifies a deliberate assault on the innocent. This is a universal principle, and the next step might be for Member States and entities to explicitly outlaw the practice.

Still, we have only scratched the surface. The question still plagues us: how did the century that saw the birth of our international human rights instruments also witness the most vicious targeting of civilians in human history? Less than 50 years after the conventions on genocide, human rights and humanitarian law, we saw the systematic destruction of entire civilian households, both in Europe and in the African continent.

Moreover, our current age has marked the growth of a new tactic, which is as cynical as it is brutal: the use of civilians as human shields. This practice must itself be included as part of the same theme, for it is in essence the same crime: the deliberate attempt to cause the death and suffering of civilians in armed conflict.

Nevertheless, the root causes continue to elude us. The above-mentioned report refers in paragraph 48 to "the obligation ... to prevent the open incitement to violence against particular groups". We must recall that the worst case of targeting civilians, in the century just past, began with the vilification of an entire people. This continues to be the case today. Groups that attack civilians are often also guilty of conducting media campaigns against entire peoples or ethnic groups.

This is no coincidence. We must demand that States do their utmost to prevent demonization before — and especially after — it reaches the point of violence. The outlawing of incitement to violence is a step in the right direction. But more must be done to promote a climate of peace and respect for human rights. This begins with respect for the human rights of all peoples, regardless of ethnic group, religion or nationality.

There is another point that is worth emphasizing: civilians must never be the direct target of war; however, they must certainly be the target of peacemaking. All efforts at diplomatic reconciliation, between States and parties, must be supplemented by efforts to promote normalization of relations between peoples and societies. In this manner we can lay the groundwork for a climate in which civilian life and human dignity will be respected. Let us hope that the focus on the innocent, beginning in this forum, will set the stage for a greater recognition of the inherent rights of all human beings across borders and continents. Then civil society will be truly safe and free.

The President: The next speaker is the representative of the Republic of Korea. I invite him to take a seat at the Council table and to make his statement.

Mr. Suh Dae-won (Republic of Korea): I would like to begin by expressing my delegation's appreciation to you, Minister Axworthy, for your efforts to generate greater participation in the work of the Security Council. I likewise commend you for once again providing a forum for the interests and concerns of the international community relating to security issues of a humanitarian nature, including in the open debate of the Council on "general issues relating to sanctions" on 17 April 2000. My delegation also offers thanks to the Secretary-General and his staff, and Mr. Kellenberger, the new President of the International Committee of the Red Cross, as well as the informal working group of the Security Council, for their indispensable work on this issue.

Since my delegation introduced the issue of the protection of humanitarian assistance to refugees and others in conflict situations to the Council during its Security Council presidency in 1997, we have been following the Council's successive measures on this issue with deep interest. We note with satisfaction that the Council has held a number of meaningful discussions dealing with the protection of civilians in conflicts, which resulted in the adoption of resolution 1265 in September 1999. We applaud the Council's continued efforts to fulfil its responsibilities in this regard in a more concrete and action-oriented manner.

In his report in document S/1999/957, the Secretary-General rightly emphasizes the close connection between widespread violations of the rights of civilians and breakdowns in international peace and security. The Security Council has also confirmed through many resolutions that violations of international humanitarian law constitute a continuing threat to international peace and security. Today's alarming breaches of international humanitarian norms therefore flout both the authority of this Council and the spirit of the Charter of the Organization.

My delegation supports the Secretary-General's recommendations contained in document S/1999/957 and the Council's decision to consider appropriate steps to implement his recommendations at this juncture. The ever-widening gap between our international humanitarian norms and an often dreadful reality calls for not only the Security Council, but the whole international community to act decisively and promptly.

Let me address several points to which my delegation attaches particular importance.

First, despite an ever-expanding legal corpus, there is still room for improving the protection of civilians in conflicts within our international legal framework. Indeed, the existence of international law does not mean that it can be upheld only by effective measures to ensure compliance. It is imperative that a culture of compliance begin to prevail so that legal protection and physical protection are no longer two separate matters.

It is in this context that my delegation echoes previous speakers in expressing its expectations for the future role of the International Criminal Court (ICC). I am pleased to announce that my Government signed the Statute of the ICC last month, and we invite others that have not yet done so to become signatories. My

delegation also supports the Secretary-General's view that there is a need to consider using enforcement measures to facilitate the arrest and surrender of those persons accused by ad hoc tribunals and to devise judicial and investigative mechanisms with national and international components pending the establishment of the International Criminal Court.

The Statute of the Court stipulates that attacks against humanitarian or peacekeeping personnel constitute war crimes. With a view to better ensuring the safety of United Nations and humanitarian personnel, we join the Secretary-General's call for an early ratification of the 1994 Convention on the Safety of United Nations and Associated Personnel. We also believe that the proposal to extend the scope of the 1994 Convention to cover wider categories of humanitarian personnel, including local staff, deserves favourable consideration.

Secondly, my delegation concurs with the Secretary-General's recommendations for a more proactive use of preventive monitoring in areas of potential conflict and in the deployment of preventive peacekeeping missions, which have already proved to be effective. In this context, we would like to join in appealing to all Member States to participate more actively in the stand-by arrangement system. Today the Secretary-General made an important suggestion: to create a rapid deployment force. This idea certainly merits further discussion.

Furthermore, in view of the multifaceted nature of recent conflicts, there is an urgent need to strengthen the United Nations rapid-reaction capability to cover more than the traditional mandates of peacekeeping. It should also cover a number of other functions, such as the protection of humanitarian assistance to civilians. It goes without saying that mandates for peacekeeping operations should be more precise and comprehensive in order to provide effective direction and clarity.

Thirdly, my delegation appreciates the attention that has recently been given to improving sanctions. The Security Council, for its part, has made consistent efforts to refine the use of sanctions. While we recognize the difficulty of achieving effective "targeted sanctions", we also believe that there is a continuing need to minimize collateral — albeit unintended — humanitarian suffering through the imposition of more specifically targeted sanctions and periodic substantial review mechanisms.

While we all continue to seek more effective and smarter sanctions, tighter arms embargoes should be sought in all situations where the parties to the conflict target civilians. In this regard, effective measures must be taken to control the flow of small arms and light weapons to conflict areas. My delegation strongly supports the suggestion made by Under-Secretary-General Prendergast at Monday's Council meeting that sanctions regimes should be endowed with more effective monitoring capabilities, including the necessary resources and expertise. We will continue to support the efforts of the Council and the Secretary-General to strike a balance between upgrading the credibility of sanctions and minimizing human suffering.

Fourthly, it is worth giving serious attention to the Secretary-General's suggestion that we provide States with political and financial support to facilitate compliance with the Ottawa Convention. Mine clearance is an urgent precondition to a minimum level of safety for civilians. A donor to the Mine Action Support Group, my Government has also been contributing since 1996 to the Voluntary Trust Fund for Assistance in Mine Clearance in support of demining activities in Cambodia, Tajikistan, Guatemala and El Salvador. We will continue to make such contributions and invite others to do the same.

Finally, we would like to re-emphasize the primary importance of maintaining the civilian and humanitarian character of camps for refugees and internally displaced persons. We fully support a number of practical suggestions in this regard, in particular the deployment of international military observers and the relocation of camps to a safe area away from war zones. While recognizing that primary responsibility for the protection of internally displaced persons rests with the Governments concerned, we support the Secretary-General's recommendation for a wider use of the Guiding Principles on Internal Displacement in the work of the United Nations.

Let me close by reiterating my delegation's hope that the Security Council will continue to expand its involvement in the protection of civilians in conflict situations in the months to come. The Republic of Korea, for its part, will continue to be actively engaged in this important process and to contribute to its success.

The President: The next speaker inscribed on my list is the Federal Minister for Foreign Affairs of Austria, Mrs. Benita Ferrero-Waldner, who is returning home to the United Nations as a longtime member of the family here.

I invite her to take a seat at the Council table and to make her statement.

Mrs. Ferrero-Waldner (Austria): Let me begin, Mr. President, by extending my appreciation to you and to your country for having taken the initiative in February last year to bring before the Security Council the very important issue of the protection of civilians in armed conflict. It is a particular pleasure to see you presiding over this meeting today. I wish therefore to congratulate you, and, through you, the Security Council, on the encouraging results which — in a little more than a year's time — have been achieved so far in addressing this matter.

The steady increase in civilian casualties in conflict situations strikes us as one of the past century's most horrific features. Sadly — and I am stating the obvious for the Council — the 1990s proved no exception to this pattern, but rather culminated in armed conflicts marked by massive, deliberate brutality against civilians, with particularly negative effects on women, children and other vulnerable groups.

This is true for every region of the world, and I would like to welcome the particular emphasis the Council has placed recently on Africa. In my capacity as Chairperson-in-Office of the Organization for Security and Cooperation in Europe (OSCE), I will concentrate today on the OSCE region and on the steps taken by the OSCE to better protect civilians in times of conflict.

An impressive number of instruments of international humanitarian and human rights law have been adopted since the Second World War. But as we enter a new century, we are still far from a worldwide "climate of compliance". The law continues to be broken, violated and, unfortunately, ignored. I would like, therefore, to welcome the landmark report of the Secretary-General to the Security Council on the protection of civilians in armed conflict. In this report, he has presented a set of courageous yet very practical proposals, including measures that the Council can adopt within its sphere of responsibility with a view to developing effective responses to this ongoing challenge. In adopting resolution 1265 (1999) of 17 September 1999, the Council welcomed the Secretary-General's report and supported many of its recommendations. The Council also underlined the importance of consultation and cooperation between the United Nations and other relevant international organizations and actors, including regional organizations, in this respect. Furthermore, it expressed its willingness to work in cooperation with regional organizations to examine how these bodies might better enhance the protection of civilians in armed conflict.

As the Council is aware, cooperation between the United Nations and the OSCE takes place on a multitude of levels. Apart from our day-to-day cooperation in the field and the humanitarian and political tasks we face together in some regions of the OSCE area, there are important issues of common concern regarding the way we approach the challenges of the new century. The topic of this debate concerns one of them.

As stated in the Charter for European Security, adopted in Istanbul in November 1999, the OSCE will seek ways of reinforcing the application of international humanitarian law in order to enhance the protection of civilians in times of conflict. I believe that working together with the Security Council in this respect would only seem natural and mutually beneficial.

At this point, I should also like to highlight that at the Istanbul Summit, the OSCE laid the foundations for a strong focus on the concerns and situation of the individual human being. Ultimately, it is the OSCE's aim, as expressed in the Summit Declaration, "to improve human security and thereby to make a difference in the life of the individual".

Keeping these words in mind, Austria, which holds the Chairmanship-in-Office of the OSCE, strongly believes that in situations of armed conflict, the OSCE must focus its attention on the victims and the vulnerable — their interests, rights and protection. In this connection, and as part of an integrated approach to security policy, the Austrian Chairmanship-in-Office has put special emphasis on taking concrete steps to better protect civilians in armed conflict.

One important aspect is the protection of children affected by armed conflict, an issue that has been dear to us for a long time. In September last year, therefore, we suggested that the question of children in armed conflict be considered regularly in the OSCE framework. Austria greatly appreciated the initiative of the Special Representative of the Secretary-General for Children and Armed Conflict, Olara Otunnu, in proposing a 10-point agenda by which the OSCE could undertake to make the protection of children affected by armed conflict a central policy concern.

At the OSCE Istanbul Summit of November 1999, the heads of State or Government of the participating

States of the OSCE endorsed this approach. They committed themselves to actively promoting children's rights and interest, especially in conflict and post-conflict situations. They decided to regularly address the rights of children in the work of the OSCE, including by holding a special meeting in the year 2000, dedicated to children in armed conflict, and to pay particular attention to the physical and psychological well-being of children involved in war or affected by armed conflict.

In this connection, a Human Dimension Seminar on children and armed conflict will be held from 23 to 26 May 2000 in Warsaw, with the aim of raising awareness within the OSCE, including OSCE field presences, about the effects of armed conflict on children and the aim of examining the possibilities for intervention by the OSCE to address them. I therefore take pleasure in informing the Council that Mr. Olara Otunnu, as well as representatives of the United Nations Children's Fund and other international organizations and non-governmental organizations, will contribute to that meeting.

Another key issue which is high on our agenda as OSCE Chairman-in-Office, is the problem of internal displacement. Persons displaced within their own countries by internal conflict and grave violations of human rights and humanitarian law pose a great challenge to which both our organizations are called to respond. The protection of and provision of assistance to millions of internally displaced people must become a priority concern to us. The same holds true for the ultimate aim of their return to and reintegration in their places of origin. Within the United Nations, important work has been done on this topic by the Representative of the Secretary-General for Internally Displaced Persons, Mr. Francis Deng. He has been a catalyst of greater attention to the problem of internal displacement, working both within the United Nations system and in collaboration with regional organizations, such as the Organization of African Unity.

Austria also took the initiative to raise the issue of displacement within the OSCE. A Human Dimension Seminar on this topic, with the participation of Mr. Francis Deng, will be held later this year. Among its objectives will be the promotion of the wider use of the Guiding Principles on Internal Displacement and their integration into the work of the OSCE.

In conclusion, let me express my conviction that there is great potential for further and closer cooperation between our organizations in dealing with the protection of civilians in armed conflict. The examples which I have mentioned may be just a beginning. There is scope to intensify our efforts and to expand cooperation to other areas of common interest, such as the fight against the proliferation of small arms, the monitoring, protection and promotion of human rights in conflict zones and the training of field mission personnel, as well as peacekeeping and peace-building operations.

I strongly believe that such common endeavours to protect the vulnerable, building on our positive experiences of cooperation in the past few years, will soon lead to concrete results. They will be felt positively by those whose well-being we wish to secure. This in itself should encourage us to intensify our work in this direction.

Finally, let me greet the Austrian students from the University of Vienna who are studying international organizations and who are sitting in the Gallery. They have followed this meeting very diligently.

The President: I endorse the welcome that the Minister for Foreign Affairs of Austria gave to the students here. It is always great to see them observing the Council in action.

The next speaker on my list is the representative of Singapore. I invite him to take a seat at the Council table and to make his statement.

Mr. Mahbubani (Singapore): Allow me to begin by congratulating the delegation of Canada on arranging another discussion on this important topic in this Chamber and to thank the Secretary-General for his comprehensive report. We would also like to commend you, Minister Axworthy, for your decision to preside over this debate in person. Your personal presence here bears eloquent testimony to Canada's commitment to its human security agenda. We would also like to acknowledge the contribution made by Mr. Kellenberger this morning and to pay tribute to the International Committee of the Red Cross (ICRC) for its substantial contributions over the years through its efforts to bring relief to civilians and those in need, often under very trying circumstances.

As this is the fourth meeting we have had on this subject, it may be fair to ask ourselves whether we are going in the right or wrong direction in our discussions — that is to say, will all our discussions actually lead to fewer civilians being killed in armed conflicts?

Our first goal in the United Nations is always to prevent conflict, or, as the United Nations Charter states, "to save succeeding generations from the scourge of war". However, if conflict occurs — and it is likely to occur again — our job is to ensure that we protect the lives of civilians before those of soldiers in these conflicts. Is this goal realistic?

We should begin by acknowledging that civilians have been killed in armed conflict for thousands of years. In an annex attached to our remarks, we have reproduced two tables from a recent book by Michael Renner, which indicate the heavy casualties among civilians in armed conflicts before and after 1945. Whether we live in Asia, North America or Europe, none of us has been spared the horrors of war. Indeed, as recently as 1898, in the Spanish-American War, up to 95 per cent of the victims were civilians.

As we enter the twenty-first century, the great conceit that we have begun to believe in is that mankind as a whole has become more civilized. Indeed, we have in some respects. Inter-State wars seem to be a sunset industry. With a few exceptions, we do not see large armies in the field killing each other.

But unfortunately, a new trend has emerged. In place of inter-State wars, we now see more intra-State wars. Hence, it is no longer a case of soldiers killing soldiers. Instead, as we heard at the debate on the Carlsson report, on Rwanda, last week in this Chamber, it is neighbours who kill neighbours, friends who kill friends, civilians who kill civilians. Rwanda is not the only place in recent history where civilians have killed civilians. We have seen the same thing in Sierra Leone, in Kosovo and elsewhere.

We should, of course, be dismayed that such recent atrocities have taken place despite the great progress we have made in formulating rules to protect civilians and combatants alike against some of the more reprehensible acts of war. These norms are clearly set out in the Geneva Conventions, as well as in other instruments of international humanitarian law. We can therefore support the call by the Secretary-General to encourage a "climate of compliance" (*S/1999/957, para. 5*), which many others have echoed in their remarks today — a "climate of compliance" of existing rules and principles.

But how does one explain humanitarian law to combatants, who are often underaged, poor and illiterate, let alone expect them to comply? Even the ICRC has acknowledged the difficulties of applying accepted humanitarian norms in today's "new" conflicts. It states,

> "The lack of discipline among belligerents, the targeting of the civilian population as weapons flood the territory and the increasingly blurred distinction between combatants and non-combatants often cause confrontations to take an extremely brutal turn in which there is little place for the rules of law."

Clearly, the long-term solution to this problem is to promote development and education. But is there anything we can do in the meantime to save civilian lives when an armed conflict breaks out? Here, we should be grateful for the incisive analysis and recommendations contained in at least three recent reports: the Secretary-General's report on the protection of civilians in armed conflict, of 8 September 1999, the Carlsson report on the 1994 Rwanda genocide, of 15 December 1999, and the Secretary-General's report on Srebrenica, of 15 November 1999. If we read these reports in detail, as we all should, we will find many valuable solutions.

I also understand that the Council's informal working group has been studying the Secretary-General's comprehensive recommendations since last September to examine how they could be implemented. But let us remember that the peoples of the world will judge the United Nations not by its words but by its deeds. What message, for example, was conveyed by the deeds and actions of United Nations operations in Rwanda and Srebrenica? Will such history repeat itself again? Will the United Nations once again be paralysed by political inertia and apathy? Will soldiers again abandon supposedly safe areas, leaving innocent civilians as sitting ducks ready for the inevitable ensuing slaughter? Will the United Nations once again send a mission that is from the start grossly understaffed, under-resourced and ill equipped?

If we are to be completely honest with ourselves, we have to admit that both in Srebrenica as well as Rwanda, it would appear that the protection of the lives of soldiers was more important than the protection of the lives of civilians. Although this may appear strange at first sight, we know why this happened. We congratulate Ambassador Peter van Walsum of the Netherlands for candidly explaining the source of the problem:

> "It is understandable, but unfortunate, that a troop-contributing country which suffers heavy

> casualties will inevitably find itself under pressure from its parliament and its media to withdraw its contingent. The more this reflex can be counted on, the greater the likelihood that precisely such a contingent will be targeted by parties opposed to the peace operation. We have no solution for this problem, but it raises a discomforting question as to the suitability of democratic countries for peace operations." (*S/PV.4127, p. 6*)

Fortunately, not all democracies behave in this way. In East Timor, the lives of hundreds of thousands of East Timorese civilians were also threatened by rogue militia. Fortunately, in this case the United Nations authorized the deployment of a well-equipped international force, under strong leadership and provided with a clear mandate. This force had the will to robustly execute its mandate. In so doing, this operation proved that the United Nations could fulfil its responsibility of preventing the brutalization of innocent civilians by armed militia.

Clearly, all conflict situations are different. But none — I repeat, none — provide easy solutions. As Foreign Minister Lloyd Axworthy of Canada told the Council last week,

> "the protection of civilians requires strengthening our disposition to intervene with force if necessary." (*ibid., p. 24*)

Minister Axworthy may have been stating the obvious. But the key implication of what he said is often unmentionable in the Security Council — to save civilians you need effective military forces. The question is, where will they come from and who will pay the costs? In the case of East Timor, for example, every Australian taxpayer was asked to pay an additional 1,000 Australian dollars per person. How many taxpayers in democracies are prepared to do this?

Even when troops and resources are available, it may not necessarily mean that civilians will be protected. It is troubling that Timothy Garton Ash, in a recent article in *The New York Review of Books*, has reported a growing intolerance of all other ethnic groups among the Kosovars. Ash has also detected what he had called "reverse ethnic cleansing" taking place in Kosovo "under the very noses and tank barrels of more than 40,000 international troops".

Resolution 1291 (2000), which extended the mandate and authorized the expansion of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in the Democratic Republic of the Congo, exemplifies yet again the difficulties of reconciling the lofty ideals of today's debate and the actual painful decisions made by the Council. MONUC's mandate to protect civilians is deliberately couched in even more conditional language than the mandate given earlier to the United Nations Mission in Sierra Leone (UNAMSIL). A quick comparison of resolution 1291 (2000) and resolution 1289 (2000), expanding UNAMSIL, will, we believe, illustrate this point.

In short, we should recognize that protecting civilians in armed conflict will require hard decisions. Considerable resources, human and otherwise, have to be placed at risk. Consistent and coherent policies have to be worked out. But in this context, is it fair to ask the United Nations Department of Peacekeeping Operations to do more when it is being starved of resources, especially from the United Nations major contributors? Is it not obvious that an underfunded United Nations can do little to protect civilians?

Our remarks today are not intended to create pessimism. But we should set realistic expectations for the civilian populations of the world about what the international community can and cannot do. On this we agree with the point made by Minister Axworthy this morning when he described the work of the Council here today to promote human security as being work in progress. Indeed, last week Minister Axworthy also cited a very moving account given by Philip Gourevitch in his book of how young, defenceless Hutu girls in a convent school refused to leave the side of their Tutsi friends, even though they were ordered to do so by the *genocidaires*. The simple question that the rest of the world will ask of the United Nations in the future is whether the soldiers will display the same courage and sacrifice as those Hutu girls, or whether they will be withdrawn by their parliaments and media at the first hint of danger.

The President: The next speaker inscribed on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Kobayashi (Japan): Let me start by extending my appreciation for your initiative, Mr. President, in the discussions in the Council on the serious and growing problem of civilians in armed conflict.

I should also like to join the others who this morning welcomed Mr. Jakob Kellenberger, the President of the International Committee of the Red Cross (ICRC). I wish to take this opportunity to express Japan's continuing support for the worthy work that the ICRC is carrying out around the globe under his able leadership.

Today, I shall not dwell upon our basic recognition that the majority of victims in an armed conflict are civilians — mainly women and children — as this has been articulated by many others in the previous debates in the Council; nor shall I comment here on all the interrelated and valuable recommendations that are about to be adopted by the Council. Rather, I should like to try to shed some light on today's theme by discussing how to respond to the plight of internally displaced persons.

The displacement of civilians is a matter of international peace and security, since peace, reconciliation and reconstruction in war-torn communities depend, at least in part, on their effective reintegration. Moreover, if unaddressed, internal displacement not only causes internal instability but may also spill across borders and upset external and regional stability.

I should like now to express Japan's views on how to address the issue of internally displaced persons by stressing the following two basic points.

First, Japan supports the approach taken by Mr. Francis Deng, Representative of the Secretary-General on Internally Displaced Persons, which is based on the belief that sovereignty is responsibility. Under that approach, through analysis and dialogue with Government and agencies in the field, the international community would jointly try to solve the problem. When a given Government is not in a position to completely fulfil its responsibility — for political, economic, or other reasons — then the international community can come in to help, with the consent and understanding of that Government. Japan believes that such an approach should be strongly enhanced, and in this context Japan is considering extending some financial support to facilitate Mr. Deng's worthy efforts.

My second point pertains to how better to respond to the issue of persons displaced by armed conflicts. If you recall, in the Council last January Ambassador Holbrooke, of the United States, made an eloquent case for the need to address a displaced population that remains within the borders of a State wrecked by conflicts. His suggestion that the Office of the United Nations High Commissioner for Refugees (UNHCR) might play a wider role in the response to the issue of internally displaced persons triggered an intense debate in the international community on how to address this pressing subject. The realities in the growing number of cases of displacement and the activities of humanitarian agencies both suggest that the protection aspect of the response towards internally displaced persons has clearly been weak.

Mrs. Sadako Ogata, the High Commissioner for Refugees, has responded to Ambassador Holbrooke's suggestion with a qualified "yes". According to her, in such cases where refugees and internally displaced persons are generated by the same causes, or where refugees have sought asylum across borders in areas where there are also internally displaced persons, UNHCR would be able to utilize its expertise and skills to protect the displaced persons. This, in our eyes, and in the eyes of the international community, I believe, would be a very encouraging sign that the need to protect civilians affected by armed conflict is meeting with a better response. This is so because it would mean efficient use of limited resources, as well as avoiding layers of bureaucracy.

It is also encouraging to know that efforts towards greater coordination on the humanitarian front are being made by the United Nations and relevant organizations. The Inter-Agency Standing Committee, chaired by the International Red Cross, is pursuing more accountability in the international response to internally displaced persons. I shall not go into detail here on the desirable institutional arrangements that have been under deliberation, and recently with greater intensity. What should be kept in mind, however, when undertaking this exercise is that there is no model method for protecting civilians caught in an armed conflict. Each conflict has a different historical and geographical background, and the pattern of activities by United Nations agencies and other international bodies differs in each conflict and each post-conflict situation. Whichever body has the most value-added expertise, and whichever is well placed in the field, should be designated as being accountable. A coherent and comprehensive response by all actors — including better protection, assistance and economic recovery for internally displaced persons — needs to be pursued effectively.

I should like to conclude by expressing the readiness of my Government to actively take part in the effort by the international community to seek ways to address the issue of displacement. When effective methods are

agreed, you can be assured, Mr. President, of Japan's full support and cooperation.

The President: The next speaker inscribed on my list is the representative of Egypt. I invite him to take a seat at the Council table and to make his statement.

Mr. Aboul Gheit (Egypt)(*spoke in Arabic*): As the Security Council resumes its consideration of the report of the Secretary-General on the protection of civilians in armed conflict and the report of the working group that followed up that report, we wish to reaffirm our position: the Security Council should not be the only body to consider this issue or its report. We believe that the report should also be considered by the General Assembly, with all its recommendations, so that the Assembly can look into the general principles therein on reducing human suffering, including the protection of civilians in armed conflict. We may recall what the Council has said in the past regarding the protection of civilians in armed conflict within the context of full respect for the delicate balance of powers between the principal organs of the United Nations, as reflected in the Charter. These include the General Assembly, other United Nations organs and governmental and non-governmental bodies outside the United Nations involved in the protection of civilians.

We welcome and advocate action by the Council, in accordance with the powers entrusted to it in the United Nations Charter, in situations where civilians are targeted or where there is interference with the delivery of humanitarian assistance. We also strongly condemn the targeting of civilians in time of war. Egypt calls on all States parties to a conflict to respect the rights of civilians and to refrain from using civilians as a means of achieving political or military goals. Egypt believes that the delivery of humanitarian assistance to civilians should not be hampered and that civilians should not be used as human shields.

We also call for the same standards to be universally applied. There are rules of international humanitarian law that apply to all States, large and small. In this context, we note the Council's position on issues referred to in the report before it. First, targeting civilians in armed conflicts is prohibited, and respecting human rights is a binding obligation. It is indeed our primary objective to ensure the implementation and application of that law. The Charter calls for respect for such legal norms and standards. Failure to respect these laws can lead to threats to international peace and security. Certain ideas that have not yet achieved international consensus are being voiced in certain quarters. However, we believe we must continue to develop specific criteria to be used where the violation of legal norms leads to a threat to international peace and security.

We must never use double standards or favour the political interests of certain Members of the United Nations, more specifically, of the permanent members of the Security Council. We must not favour their interests over those of the other Members of the United Nations as a whole. We believe the Council should take into account the entire issue of powers granted to it under the Charter. When the Council takes action vis-à-vis certain States that have violated international norms, it must respect the restrictions contained in the Charter. It must consider the situation, then report on the situation and determine whether the conflict in question is indeed a threat to international peace and security. Any internal dispute over a territory should not be regarded *ipso facto* as a threat to international peace and security.

We support action by the Council to protect personnel providing humanitarian and international assistance. We believe they must be allowed to do their job. They must have access to areas of conflict. Organizations involved in the delivery of humanitarian assistance must also respect the principles of neutrality, impartiality and humanity. These points are contained in the guidelines contained in General Assembly resolution 46/182.

Egypt believes that the provision of humanitarian assistance to civilians in time of war should be carried out with the consent of or at the request of the countries concerned. There must be full respect for the sovereignty, territorial integrity and political independence of States and for their national legislation. Humanitarian assistance must not be used as a cover for action in support of the political interests of any particular State or group of States. When we speak of providing humanitarian assistance, we are thinking of programmes carried out under the auspices of the United Nations or the International Committee of the Red Cross. The consent of the States parties to the conflict is required. Those States must then provide protection for the personnel providing the humanitarian assistance. We do not believe that any organization should take unilateral decisions to offer assistance to civilians in any particular State without obtaining the prior consent of the State concerned.

There are provisions in the Charter on the sovereign equality, territorial integrity and political independence of States, and the Council has to take those principles into account when dealing with issues of security — for example, in the establishment of temporary secure zones or safe corridors for the delivery of humanitarian assistance.

Another point I would like to make is that when dealing with humanitarian assistance to civilians in armed conflict, the international community has to distinguish between States within whose territories there are Governments that impose the law and other States where there is virtually no legitimate Government. The latter case is of course an exception to the rule. However, one must always proceed on the basis of consensus.

Internally displaced persons do not constitute a totally separate category; they are civilians and international human rights laws and conventions provide appropriate protection for civilians. So we believe that we need to ensure respect for these conventions, rather than invent new norms to protect one particular category of civilians to the exclusion of others. Protection for displaced persons is the responsibility of the Governments of the States represented in the United Nations as a whole.

On the question of preventive diplomacy, fact-finding missions and so forth, we believe that the Council can carry out certain actions in order to prevent conflict and reach a peaceful settlement to a conflict. Chapter VI of the Charter is relevant here, and of course the consent of the State concerned is required, because these procedures are in fact voluntary.

In connection with peacekeeping missions and operations, and how they are related to the protection of civilians in armed conflicts, the Security Council must be cautious in those cases where it gives a mandate to a peacekeeping operation to protect civilians against any dangers threatening them in armed conflicts. When the Council takes such a decision, it must also take into account the fact that, in considering each case individually, it is setting a precedent for other, similar cases. Double standards and selective application of such standards should be avoided.

We also believe that human, technical and other resources must be made available so that any responsibilities given to peacekeeping operations can in fact be fulfilled. Perhaps I could just give one rather glaring example, that of the tragic events of Srebrenica, which should never have been allowed to recur.

In concluding, I should like to thank you very much indeed, Mr. President, for all the work that you have done in promoting the activities of this Organization. Canadian diplomacy has always had an important role to play in connection with the United Nations. You have also done your utmost to ensure respect for the law. I would also note the excellent relations, based on mutual respect, between Egypt and Canada. Also, at an individual level, you yourself have excellent relations with your Egyptian counterpart.

The President: I thank the representative of Egypt for his kind words addressed to me.

In accordance with the decision taken earlier in the meeting, I invite the Permanent Observer of Switzerland to the United Nations to take a seat at the Council table and to make his statement.

Mr. Staehelin (Switzerland) (*spoke in French*): I would first of all like to thank you, Mr. Minister, and the Canadian presidency for having organized this debate, thus giving us the opportunity to express our views on an issue of crucial importance. I welcome the participation of the President of the International Committee of the Red Cross (ICRC) in this morning's debate, and I wish to pay tribute to the tireless efforts of the ICRC on behalf of the victims of armed conflicts throughout the world.

Switzerland welcomes the draft resolution submitted to the Security Council for consideration, which describes the initiatives that the Council and the entire international community could undertake in order to improve the protection of civilian populations in armed conflicts.

In earlier statements, I have had the opportunity to affirm my country's priorities for action in the humanitarian field, such as respect for international humanitarian law, the protection of civilian populations, unimpeded access to victims of conflict and the security of humanitarian personnel. I will therefore confine myself today to three specific points that I believe to be of major importance and deserving of in-depth consideration.

First, the question of the protection of civilian populations in armed conflict compels us to consider the current evolution of these conflicts throughout the world. The proliferation of complex and prolonged emergency situations, as seen recently in Somalia, the Democratic Republic of the Congo, Angola, Burundi, Sierra Leone, Afghanistan and many other countries challenges the

bases on which human rights and international humanitarian law instruments have been developed.

Respect for the provisions of these legal instruments is broadly based on the responsibility of States; but we see that non-State armed actors — armed groups, private militia — tend to be increasing. It is deeply disturbing to see that in the most recent internal conflicts, civilians not only are the victims, but are becoming targets for the warring parties. Many studies have been made of this situation, including very recently in the excellent report of the Secretary-General on the millennium.

It is therefore important to ensure respect for the rule of law and for humanitarian principles by non-State armed actors. We are obviously aware of the concrete problems that this poses. Suffice it to mention the question of recognition of these actors as subjects of international law or the question of the legitimacy accorded them by involving them in a political dialogue. Yet it must be noted that armed groups often have considerable power over the territory under their control. As military entities, they may also be called upon to ensure protection of the civilian population and to facilitate humanitarian operations in the areas under their control. They are also actors who must be taken into account if peace negotiations are to begin.

As we reflect on these issues, we must necessarily be guided by common article 3 of the Geneva Conventions, which enshrines the minimum rules of conduct that apply to all of the parties to a conflict and which admit no derogation.

The second priority also falls within the framework of the human security strategy. In addition to what should be a continuing struggle to eliminate anti-personnel mines and to strengthen victim assistance programmes, the question of small arms and light weapons must be at the forefront of our concerns. My delegation believes that it is urgent to establish stricter control over these weapons and their transfer, which would involve preventive and regulatory measures alike. Our agenda in this field must include the marking of small arms and light weapons, measures to monitor their trade and the development of codes of conduct and actions to reduce the number of these weapons already in circulation in areas of conflict.

The Security Council, as the organ with primary responsibility for the maintenance of international peace and security, can also contribute to these efforts and provide an impetus for all partners concerned to do likewise.

Lastly, I wish to mention here the need more closely to involve the economic actors, and in particular the private sector, in the search for lasting solutions to armed conflict. Recent discussions on Angola and Sierra Leone have made this clear. We have reason more systematically than in the past to try to achieve cooperation among representatives of the humanitarian community, the States concerned and the economic actors.

Finally, the development of, and respect for, codes of conduct and thorough work within the framework of the global covenant proposed by the Secretary-General could also yield the innovative solutions that we urgently need.

The President: The next speaker inscribed on my list is the representative of Bahrain. I invite him to take a seat at the Council table and to make his statement.

Mr. Buallay (Bahrain) (*spoke in Arabic*): Since this is the first time I am addressing the Security Council this month, I should like, Sir, to express to you our congratulations on your assumption of the presidency of the Council. I should like also to express my thanks and appreciation to you for holding this important meeting on a very important subject: the protection of civilians in armed conflict.

Today we cannot but devote greater attention to the suffering of unarmed civilians in situations of armed conflict. Civilians are terrorized, brutalized, tortured, and murdered at the hands of parties to conflicts, despite the fact that the inadmissibility of attacking civilians is enshrined in international humanitarian law and in human rights law.

The situation calls for immediate and prompt action that is not restricted to the agreements and rules governing this issue but also extends to working towards ensuring greater respect of these agreements and rules by the parties to a conflict.

While we must deal with the root causes of armed conflict in a drastic and comprehensive manner in order to provide long-term protection for civilians through the promotion of economic growth, the elimination of poverty, the realization of sustainable development and national reconciliation, we must also take immediate measures to force the combatants to show greater respect for the rights of civilians in armed conflict. Dealing with any armed conflict in a comprehensive manner requires

a long period of time, during which civilians should not be kept without protection.

At previous open meetings held by the Security Council on the issue of the protection of civilians in armed conflict, there was unanimous agreement on condemning the targeting of civilians in armed conflict and attacks against targets that are subject to the protection of international law. At those meetings it was stressed that it was of the utmost importance to implement appropriate protective measures.

On 17 September 1999, the Security Council adopted resolution 1265 (1999), which deals with two major aspects of the problem. The first one relates to encouraging the parties to a conflict to respect their obligations under international humanitarian law, human rights law and refugee law, in particular those contained in the Hague Conventions of 1899 and 1907, and in the 1949 Geneva Conventions and their 1977 Additional Protocols.

The resolution also stresses the issue of responsibility, so that the phenomenon of impunity can be dealt with, thereby ensuring that those responsible for genocide, crimes against humanity and other serious violations of international humanitarian law are brought to justice. It stresses also that it is extremely important to guarantee unhindered access of humanitarian assistance personnel to civilians in armed conflict, and to ensure the safety, security and freedom of movement of United Nations personnel.

Here we would like to emphasize the importance of this aspect, bearing in mind recent incidents in which parties to a conflict launched attacks and used force against United Nations personnel and against other personnel from international humanitarian organizations.

The second aspect of the problem that is dealt with in that same resolution concerns the role of the Security Council and the United Nations in the protection of civilians in armed conflict. In this regard, we believe that greater importance should be attached to the issue of the excessive stockpiling of small arms and light weapons, in view of their negative effects and the destabilization they cause, and that we should do our utmost to prevent the use of these weapons and their proliferation. In this regard, I would like to stress that the States exporting such weapons bear the greatest responsibility.

As for the recommendations contained in the report of the Secretary-General on the protection of civilians in armed conflict — many of which will be adopted by the Security Council at the end of this meeting in the form of a draft resolution — they contain many positive measures that could improve the situation of civilians in armed conflict. However, those measures should be implemented in a manner consistent with the purposes and principles of the United Nations, as set out in the Charter. I say this because if certain measures are applied without taking into account the special characteristics of each situation, or without due regard to the principle of the sovereignty and territorial integrity of States, they may harm not only individuals, but also States. Of course, harm to States results in harm to individuals, since individuals make up States. Such an outcome would be undesirable, and we therefore believe that our objective should always be to ensure full protection for civilians and, at the same time, to preserve the principles on which the United Nations was established.

I should like to refer to one more important issue with regard to the protection of civilians in armed conflict. When efforts to provide such protection fail, there is always the possibility that such civilians, particularly refugees, may, willingly or unwillingly, become participants in the fighting on one side or the other, thereby contributing, deliberately or otherwise, to the conflagration and further complicating and perpetuating the conflict, with undesirable consequences. It is clear, therefore, that the protection of civilians in armed conflict is an imperative for all of us.

The President: The next speaker inscribed on my list is the representative of Azerbaijan. I invite him to take a seat at the Council table and to make his statement.

Mr. Kouliev (Azerbaijan) (*spoke in Russian*): I have the honour to speak on behalf of Georgia, Uzbekistan, Ukraine, Azerbaijan and the Republic of Moldova on the question of civilians in armed conflict.

At the outset, I should like to thank the members of the Security Council for the unflagging attention that they have been giving to the issue of the protection of civilians in armed conflict. This is not merely an acute problem of life today, but a priority for the international community, especially the Security Council. I should also like to thank the delegation of Canada for taking the initiative of holding a debate on this item in the Security Council. Your delegation's efforts, Sir, are designed to give real content to the concept of human security and to make it concrete through practical actions.

The States in our group are grateful to the Secretary-General for his report on this issue, contained in document S/1999/957, which includes specific recommendations as to how the Security Council, acting within its mandate, could enhance the level of physical and legal protection for civilians in armed conflict.

Our debate today can be seen as an integral part of the ongoing process within the Security Council to work out comprehensive approaches to the settlement of conflict situations that will not only enable us to put an end to violence and reduce to a minimum the suffering of the civilian population, but help in the search for stable and lasting solutions to the conflicts themselves.

As we see it, there are at least two aspects to this issue, so we must take an approach that is appropriate for each one. The first aspect relates to ensuring the physical protection of the civilian population, the consideration of which is among the responsibilities of the Security Council. The second aspect is more general. A unique mechanism exists, consisting of various elements ranging from the body of international humanitarian law to the activities of various humanitarian organizations that try to protect the rights of civilians in armed conflicts and to provide them with assistance.

During earlier meetings of the Council focusing on this issue, almost all the speakers agreed that in armed conflict today there is an increasing tendency for civilians to be deliberately and arbitrarily targeted for attack, subjected to violence and killed. We are greatly concerned by the fact that genocide, ethnic cleansing and other gross violations of human rights have not only become linked to modern armed conflicts, but, in manner of speaking, have developed into just another way of waging war.

With regard to this burning issue, some of the countries in our group can speak not merely on the basis of hearsay, but from experience of the tragic consequences of such actions. The States in our group would like to emphasize that the civilian population must never be targeted in armed conflict, regardless of their political, ideological, racial, ethnic or religious nature or for any other reasons. Obviously, unless there is an appropriate response to such violence against civilians, those negative tendencies will continue to develop and may even become irreversible, with the result that more and more people will be dragged into the conflict, the area of the conflict will grow increasingly larger and peace and stability will be threatened, which in turn will provide fertile ground for the emergence or strengthening of ethnic hatred.

Of particular concern is the situation of internally displaced persons. Today, there are over 20 million people in this category, which needs sufficient attention on the part of the international community. During earlier meetings of the Council on this issue, Mr. Olara Otunnu, the Special Representative of the Secretary-General for Children and Armed Conflict, drew our attention to the fact that the most vulnerable group of the population is displaced persons.

In this connection, the States in our group regard as extremely important the work being done by Mr. Francis Deng, Representative of the Secretary-General on Internally Displaced Persons. We would also like to note how much we appreciate the work done by the Office of the United Nations High Commissioner on Refugees, headed by Mrs. Sadako Ogata. We also appreciate the work done by the Office for the Coordination of Humanitarian Affairs, headed by Mr. Sergio Vieira de Mello.

Attention must also be given to the problem of the return of refugees and other displaced persons to their former homes when the territory is not controlled by the legitimate Government. We are speaking about physical and legal protection for those persons. Armed conflict which has not been completely resolved can flare up again with renewed force, giving rise to a new wave of violence against civilians and bringing all prior peacemaking efforts to nothing.

We would also note the special link of modern armed conflict with aggressive separatism and religious extremism. These negative phenomena today are one of the main challenges of the twenty-first century. Our group of countries regards them as one of the root causes of bloodshed and continuing military conflicts that directly threaten the lives of the civilian population, regardless of their racial, ethnic or religious identity.

The countries of our group believe that today one particularly crucial issue is coordinating efforts by the world community as it seeks legal mechanisms and instruments for combatting terrorism. Our countries strongly support the initiative of Uzbekistan — made public at the Istanbul summit of the Organization for Security and Cooperation in Europe in 1999 — on the establishment of an international centre to combat terrorism.

Another issue of particular concern involves the illicit supplying of weapons to areas of conflict. We must

step up our efforts to put an end to this. Halting the flow of weapons, including small arms and light weapons, into areas of chronic instability can be one of the main elements of a strategy to combat acts of violence against civilians and humanitarian personnel. In this context, we cannot fail to be deeply disturbed over violations of arms embargoes imposed by the Council. We strongly advocate strengthening the effectiveness of such embargoes. At the same time, it is quite clear that unless we solve the question of how to prevent and limit the uncontrolled proliferation of weapons, it will be difficult to settle conflicts and ensure security for civilians. Here we can only agree with the recommendations of the Secretary-General that arms-exporting countries should at least exercise restraint, especially when exporting weapons to areas of conflict or tension.

The States belonging to our group believe that the best way of protecting civilians in armed conflicts is to effectively prevent conflict. The root cause of humanitarian crises must be removed by using inter-ethnic reconciliation, confidence-building measures and economic development and by supporting national stability.

We also believe that regardless of where and when conflict erupts, it is necessary to urge the parties involved to put an end to the conflicts as quickly as possible by peaceful means. They should also strictly comply with the norms of international law, and insofar as they can, they should provide protection and assistance to civilians. They should not allow any kind of violent attacks on civilians, and they should not allow any interference with the delivery of humanitarian assistance.

In conclusion, I would like to stress the importance of efforts to achieve consensus in the United Nations, on the basis of which one can integrate, in a balanced way, the work being done by the General Assembly, the Security Council, the Economic and Social Council, the specialized agencies and other international participants to develop the best possible conceptual framework for ensuring more scrupulous respect for the norms of international law, on the one hand, and, on the other hand, to move beyond the provision of humanitarian assistance into the area of organization-building and socio-economic development.

It is our hope that the Security Council, once it adopts the important draft resolution on this item today, will very carefully monitor the protection of civilians and react appropriately to all cases where the lives and security of peaceful people are threatened.

The President: I thank the representative of Azerbaijan for his kind words addressed to the Canadian delegation.

The next speaker on my list is the representative of Australia, whom I invite to take a seat at the Council table and make her statement.

Ms. Wensley (Australia): Today's debate on the protection of civilians in armed conflict is a welcome opportunity to consider more fully, and to hear the considered views of a substantial number of Member States — including, importantly, non-Council members — on the issues and recommendations raised in the Secretary-General's report of September 1999.

It was under Canadian leadership a little over a year ago that Council attention was refocused on the issue of protection of civilians. We want to commend Canada for its initiative in holding this follow-up meeting and for its firm commitment to pursuing this very specific aspect and dimension of the more general and, I would say, still-evolving concept of human security.

The Secretary-General's report and also the statements we have heard from others today underline that strengthening protection for civilians requires a multi-dimensional approach, addressing legal and physical assurances, conflict prevention and post-conflict peace-building activities.

It is clear that Member States, the United Nations and regional bodies must all focus more attention on ways of improving implementation and enforcement of existing humanitarian and human rights laws and norms, including the Geneva Conventions — particularly the fourth — and the 1977 Additional Protocols, and of promoting observance of these instruments at all levels. This means support for efforts to develop consistent national laws. It also means support for efforts to develop national institutions to disseminate laws of armed conflict through education and training, both of armed forces and of civilian administration, and for monitoring and enforcement of laws.

Strengthening the legal protections for civilians also involves ensuring adequate recourse to justice where violations have taken place. We have heard many speakers address this issue, but it is certainly vital that we have effective institutions to bring to justice perpetrators of crimes against humanity. It is for this reason that Australia welcomed the establishment of the

special tribunals and views the International Criminal Court as a particularly powerful instrument in this regard. It reinforces the obligations of States to investigate and to prosecute those responsible for major violations; and, where no State is able or willing genuinely to do so, it provides a mechanism for the investigation and prosecution of crimes.

In our view, more emphasis needs to be placed on developing and implementing concrete measures to improve the physical security of civilians caught in conflict situations, with particular attention to be given to the vulnerable groups of women, children and displaced persons. Those measures should include greater use of preventive action, increased use of the specific mechanisms for the protection of civilians provided for in international humanitarian law instruments, increased use of United Nations Charter provisions to investigate conflict situations and, as a last resort, sanctions targeting delinquent parties, but — as we discussed earlier this week in another equally welcome open debate — such measures should be tailored to minimize adverse impact on the civilian population.

Another important component is the sustained use of political and diplomatic pressure to ensure that parties guarantee access for civilians to humanitarian assistance and necessary protection for United Nations and related personnel, the International Committee of the Red Cross, and humanitarian relief workers. Although humanitarian relief workers are entitled to the same protection as civilians, their operations — we have all acknowledged — make them especially vulnerable to attack in conflict situations. We look forward to the Secretary-General's comprehensive report on the safety and security situation of humanitarian personnel, when it is submitted during the fifty-fifth session of the General Assembly, and beyond that to further international cooperation in enhancing the protection of those humanitarian workers who are not specifically protected under current international humanitarian law instruments or under the Convention on the Safety of United Nations and Associated Personnel.

There is also scope for the international community to improve the physical security of civilians through its peacekeeping activities. Australia supports the Secretary-General's recommendations to include explicit provisions for the protection of civilians within United Nations peacekeeping mandates where warranted and where the United Nations missions are provided with the resources to fulfil those responsibilities. In this context, it is especially important that United Nations peacekeeping mandates be clearly and realistically defined, in terms of both responsibilities and objectives. Where peace enforcement powers are entrusted to United Nations operations, they must be backed up with the necessary resources.

The International Force in East Timor (INTERFET) demonstrated that a well-equipped, mobile force can have an immediate, positive impact on the physical security of civilian populations, as well as perform a critical, longer-term deterrence function. INTERFET benefitted from a robust mandate that left no question as to its authority to enforce peace if required, and from strong support from the international community.

The capacity for rapid deployment and force projection are essential to peacekeepers' ability to stabilize conflict situations and to extend protection to civilians. Australia considers that the recent report of the Special Committee on Peacekeeping Operations contains a number of useful ideas and suggestions on how the United Nations capacities in these areas might be improved, and we look forward to opportunities to consider those ideas and suggestions further.

But effectively maintaining peace — and in so doing guaranteeing the security of civilians — also requires confidence-building measures at the grassroots level to defuse tension and confrontation and to lay the groundwork for political reconciliation. Here, we believe Australia's experience in the Peace Monitoring Group in Bougainville, in company with other South Pacific countries, offers some lessons. The role of the Peace Monitoring Group has largely been one of building confidence between parties and ensuring continued commitment to peaceful settlement of the dispute.

Australia supported the provisions of the draft resolution before the Council today on the protection of civilians. Its welcome adoption will represent another important step in the Council's ongoing efforts to enhance international security, not only in the broad geopolitical sense but in a very practical way that can benefit people right down to the village level. That is to say, to benefit the ordinary citizens and civilians whose safety and well being is the subject of today's open debate.

The President: I thank the representative of Australia for her kind words addressed to my delegation.

The next speaker inscribed on my list is the representative of Colombia. I invite him to take a seat at the Council table and to make his statement.

Mr. Valdivieso (Colombia) (*spoke in Spanish*): My delegation would like to express its appreciation to your country, Canada, and to you in particular, Ambassador Fowler, for your dedication and your dynamism during the Council's intensive work this month.

Likewise, we want to thank the members of the Council for giving us this opportunity to participate in this important debate. The Council has on various occasions drawn attention to the difficult and often distressing situation of civilians in armed conflict. We attach great importance to the recommendations made by the Secretary-General to strengthen the physical and legal protection of civilians in armed conflict, and we believe that the scope of those recommendations should be examined exhaustively by the General Assembly.

Actions motivated by political, ethnic or religious hatred often disregard fundamental principles of humanity and are therefore challenges to individual conscience and to the collective feelings of nations. The millions of persons caught against their will in the crossfire of current armed conflicts are rightly a source of concern for the international community. As we were reminded last year by the campaign of the International Committee of the Red Cross, even wars have limits. The Committee's humanitarian work deserves our appreciation and support.

My country joins others who have spoken in this debate to reject and condemn the use of prohibited methods of combat in internal conflicts, particularly the actions of some non-State actors against civilian populations — such as the taking of hostages for the purpose of extortion, indiscriminate attacks against civilians and civilian installations and the use of hunger as an instrument of war. But will the outcry of the international community be heard?

Among the recommendations for the protection of civilians that are before the Council, we wish to underscore a few that we consider indispensable to preventing future conflicts and sparing civilian populations further suffering.

With regard to small arms and light weapons, we believe that the Security Council must adopt a more forceful attitude to that illegal traffic, when considering current armed conflicts. This phenomenon is linked to transnational criminal organizations which use money laundering as a means to internationalize violence. The availability of these weapons in areas of conflict fuels a spirit of discord and is a direct cause of the loss of many civilian lives. For that reason, my country has been advocating stricter control of the international arms trade in the framework of preparations for next year's conference.

With regard to the recruitment of minors, our delegation believes that under no circumstances should children participate in war. We are pleased to note the agreement reached at the beginning of the year regarding the protocol on the participation of children in armed conflict. The Government of Colombia categorically ruled that no person younger than 18 years of age can serve in the national armed forces and encourages other countries to adopt the same age limit for recruitment. We also condemn the use of minors in the ranks of irregular armed groups in all parts of the world, and we appeal for a united attitude of rejection of this practice.

We underscore the constructive approach of promoting confidence-building measures among the parties involved in internal conflicts, with the active participation of civilian society in this process. This is an approach that is useful either at the beginning of conflicts or in the peace-building stage. We hope that it will be possible soon to have the handbook of good conduct in the field, the publication of which has been announced.

Regarding coercive measures against massive and ongoing abuses, the Secretary-General presented to the Council several criteria for the adoption of coercive measures in cases of internal conflicts that present grave violations of human rights and international humanitarian law. We believe that the United Nations must act with prudence and extreme care in this field in order not to undermine principles of international law that are firmly established, and without which we might be cast into great confusion. We express our strong preference for examining situations carefully on a case-by-case basis and to use procedures for cooperation among States before resorting to sanctions mechanisms.

On 9 April 2000, the Ministers for Foreign Affairs of the non-aligned countries, meeting in Cartagena at the thirteenth Ministerial Conference of the Non-Aligned Movement, addressed the question of the erosion of respect for the norms and principles of international humanitarian law and the question of the considerable increase in the number of refugees and displaced persons caused by conflict situations. On that occasion, among

the various measures adopted, the Ministers appealed to the parties to a conflict to respect international humanitarian law and human rights law and to ensure the safety, security and protection of humanitarian personnel. They also advocated greater international financial efforts to help the victims of humanitarian emergencies and reaffirmed the distinction that must be made — a vital one — among actions of a humanitarian nature, peacekeeping or peacemaking operations and operational activities for development.

My country agrees with what was expressed by the Ministers of the Non-Aligned Movement. It welcomes the measures to be adopted by the Security Council today and reiterates that other organs of the United Nations should also broadly consider the various means of strengthening the protection of civilians in armed conflict.

The President: I thank the representative of Colombia for his kind words addressed to my delegation.

The next speaker inscribed on my list is the representative of New Zealand, whom I welcome back to the Council. I invite him to take a seat at the Council table and to make his statement.

Mr. Powles (New Zealand): Exactly one week after the Secretary-General presented his report of 8 September 1999 on the protection of civilians in armed conflict, the Security Council authorized the deployment of a multinational force to East Timor to restore peace and security. In the days leading up to this decision the media had conveyed shocking images of violence against civilians and their large-scale dislocation by the militias in a pattern of reprisal following the United Nations-conducted popular consultation. Members of the Council, under the leadership of Ambassador Andjaba of Namibia, travelled to Dili to assess the situation at first hand and to report to the Council.

The speed and effectiveness of the Council's response in the case of East Timor was exemplary and sets a benchmark for the future discharge by the Council of its key role in combating the deliberate targeting of civilians. New Zealand, for its part, along with many other countries represented in this Chamber, contributed promptly to the multinational force authorized by the Council and continues to participate in the successor United Nations peacekeeping operation through what is our largest deployment overseas in nearly 50 years.

In the interval since the Secretary-General's report on the protection of civilians in armed conflict we have also been reminded of our failures. Last Friday we heard Mr. Ingvar Carlsson, former Prime Minister of Sweden, brief the Council on the findings of the Independent Inquiry into the failure of the international community to prevent the systematic slaughter of some 800,000 people in Rwanda in 1994. And the Secretary-General himself provided last November his own report on the fall of Srebrenica.

We welcome the fact that the Council has taken the initiative, through the establishment of its informal Working Group, to take the matter of the protection of civilians in armed conflict yet a stage further in accordance with its responsibilities under the Charter, and we strongly endorse action on today's draft resolution. By this draft resolution the Council clearly indicates that it intends to keep the question firmly at the fore of its agenda.

When heads of State or Government gather here in New York in early September for the Millennium Summit, we believe the international community will be presented with an unparalleled opportunity to make further progress collectively. The Secretary-General's millennium report offers valuable guidance on the protection of the vulnerable. The Secretary-General notes in particular the need to reassert the centrality of international humanitarian and human rights law.

I think it is generally agreed that current humanitarian law includes all the necessary principles and basic rules to guide us. There is some further work to be done in specific areas, but the fundamental principles are well established and incontrovertible.

In the last few months the international norms have been further developed in the child soldiers optional protocol to the Convention on the Rights of the Child. Children are one of the most vulnerable groups in any society. As the Secretary-General and others have noted, they are often among the worst affected in a conflict situation. They will also bear the scars of conflict into their adult years, not just through injury and trauma, but through lost opportunities to gain an education and to grow up in normal social surroundings. This can lead to the perpetuation of a culture of conflict. It is crucial that special measures be taken to protect children from the effects of armed conflict, and to prevent them from participating.

The optional protocol's focus on the demobilization, rehabilitation and reintegration of child soldiers recognizes that, in tandem with legal safeguards, practical action is required to protect children from the effects of conflict. The recent appointment of child protection advisers in United Nations peacekeeping missions in Sierra Leone and the Democratic Republic of the Congo is a welcome development in this regard.

As the Secretary-General has pointed out, the problem of protection of civilians lies not so much in the absence of law as in the refusal of belligerents throughout the world to respect that law. The most urgent need is to create a "climate of compliance" with international law. At present the lack of effective enforcement mechanisms means that an essential component is missing. We hope that this will change in the near future with the establishment of a permanent International Criminal Court.

The recent experience of the International Criminal Tribunals for the former Yugoslavia and Rwanda illustrates the potential of the International Criminal Court. Over the last year there have been a number of arrests and convictions in both Tribunals. These confirm that international criminal tribunals can and do work. However, their importance goes beyond dealing with past events in those particular countries. They serve notice that the international community is serious in its resolve to bring perpetrators of atrocities against civilians to justice and to put an end to the climate of impunity. We look forward to the outcome of the Indonesian Government's investigation into violations of human rights in East Timor and to the holding of those responsible for such violations fully accountable under the law.

New Zealand is firmly committed to ratification of the Rome Statute of the International Criminal Court. It will shortly introduce legislation to Parliament to implement various obligations contained in the Statute, and New Zealand hopes to be in a position to ratify the Statute within the next few months, once that legislation has been passed.

At the same time, my Government has decided to create new offences of genocide, crimes against humanity and war crimes. There will be universal jurisdiction for these offences which will allow the prosecution in a New Zealand court of a person who is not a New Zealand national and who did not commit the offence in New Zealand. It is intended that these offences will come into force on the passage of the legislation, which will mean that New Zealand will be in a position to institute prosecutions in its courts from an early date. This is particularly important in the period before the International Criminal Court comes into existence.

New Zealand urges other countries to accelerate their ratification processes so that the International Criminal Court can be established in the near future. This would seem a most appropriate way to signal that the new millennium is also the beginning of a new phase in international criminal justice.

New Zealand also strongly supports the extension of the 1994 Convention on the Safety of United Nations and Associated Personnel to cover a broader range of personnel and a greater variety of United Nations missions. We saw the danger that some of those working with the United Nations came under in East Timor. Abduction and murder of humanitarian workers takes place too regularly in arenas such as Chechnya. The targeting of these dedicated people, who are often working in extremely difficult circumstances to bring relief to the civilian population, is cynical and brutal, and we should do all in our power to have it stopped. We look forward to the report of the Secretary-General, due in May 2000, that will include recommendations addressing the scope of legal protection under the Convention. That report will set the tone for future debate on the topic and act as a fresh stimulus towards concrete action on expansion of the Convention's scope.

The violation of the rights and freedoms of internally displaced persons is not necessarily separately covered in international law. Nevertheless, such people are of course covered by international human rights law. States have no excuse for not following these principles and the legal guidance based on them, contained in the Guiding Principles on Internal Displacement.

Finally, the importance of the separation of combatants and other armed elements from civilians in refugee camps has been starkly demonstrated on numerous occasions, including in the Great Lakes region of Africa and in Timor. Safety and humanitarian relief cannot be assured without it, and arrangements for repatriation can be seriously hampered when militias exert power over displaced people. Coupled with this is the need to ensure access for civilian populations to sources of humanitarian assistance. The diversion or withholding of relief supplies as a means to political ends is contrary to the principles of humanity and should attract appropriate sanctions.

We are grateful for the opportunity to have spoken on these important matters in the Security Council today, and we look forward to the Council's continuing to carry out its key leadership role.

The President: I thank the representative of New Zealand for his kind words addressed to me.

The final speaker inscribed on my list is the representative of Indonesia. I invite him to take a seat at the Council table and to make his statement.

Mr. Wibisono (Indonesia): My delegation wishes to extend its congratulations to you and the delegation of Canada on your assumption of the presidency of the Security Council for the month of April. We remain confident that under your able guidance, the issue before us will be brought to a successful conclusion. May I also extend our felicitations to your predecessor, Ambassador Anwarul Karim Chowdhury of Bangladesh, for his skilful stewardship of the Council's activities last month. We would also like to join other delegations in expressing our appreciation to the Secretary-General, Mr. Kofi Annan, and to the President of the International Committee of the Red Cross, Mr. Jakob Kellenberger, for their statements earlier this morning.

It is one of the tragic ironies of the contemporary world that despite the adoption of numerous conventions on international humanitarian and human rights law during the past five decades, which uphold the rights of civilians and the obligations of combatants during conflict situations, civilians have become the targets of brutality, terror and indiscriminate killing. It is particularly unconscionable that women and children are also victims of atrocities. Such dire situations call for a multifaceted approach that would provide legal and physical protection to civilians during hostilities.

The report of the Secretary-General contained in document S/1999/957 enumerates a number of measures to strengthen both these aspects of protection. Their adoption and implementation would compel the parties to a conflict to respect the rights guaranteed to civilians under international law and conventions. Despite the coming into force of a comprehensive framework of international humanitarian and human rights law, the rights of civilians have often been violated. Hence, their implementation is of utmost importance in ensuring the safety and security of the civilians, which are their inherent rights.

In those endeavours, it is equally important to acknowledge that international law does not take precedence over national law and legislation, while a balance must be sought to harmonize the sacrosanct principle of national sovereignty with the provisions of the United Nations Charter. It follows that any action or intervention must necessarily be based on the consent of the States concerned, rather than unilateral imposition. Indonesia is gratified to note that in some of the conflict areas dealt with by the Council, respect for sovereignty and territorial integrity was reaffirmed. At the same time, Indonesia is also saddened to learn that an absence of respect for sovereignty and territorial integrity remains obvious in a country which now continues to experience internal conflicts.

Our attention is also drawn to the need for monitoring, addressing and understanding the root causes and implications of conflicts in order to facilitate the consideration of options and to prevent the outbreak of violence. As peace and stability and socio-economic development are interlinked, close cooperation and coordination between the General Assembly, the Security Council and the Economic and Social Council would facilitate a comprehensive approach to these multifaceted issues. In this context, it is pertinent to note the communication from the President of the Security Council addressed to the President of the General Assembly, contained in document S/2000/119 of 14 February 2000, which sought the Assembly's views on the strengthening of the Organization's capacity to plan and deploy rapidly and the modalities to mobilize international support for security forces from Member States.

Finally, Indonesia, while regretting the lack of consultations with the Special Committee on Peacekeeping Operations, welcomes the Secretary-General's Bulletin on the guidelines on compliance with international humanitarian law by United Nations peacekeepers. We believe that such guidelines can help promote not only the safety and security of the United Nations peace troopers but also the safety and security of the civilians.

In sum, we agree that the plight of civilians in armed conflicts can no longer be neglected and can be dealt with only within a comprehensive framework of action. Let me express Indonesia's unequivocal support for the role of the United Nations in humanitarian activities and for the Organization's consistent

commitment in upholding international humanitarian and human rights law.

The President: I thank the representative of Indonesia for the kind words he addressed to me.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/2000/335) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Bangladesh, Canada, China, France, Jamaica, Malaysia, Mali, Namibia, Netherlands, Russian Federation, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1296 (2000).

There are no further speakers on my list.

The Security Council, having offered its President great flexibility and generous support, has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 5.55 p.m.